

Lowell Zoning Board of Appeals Minutes

April 11, 2022 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Chairman Perrin, Vice Chair Pech, Member McCarthy, Member Briere, Member Procope

Members Absent: Member Callahan, Member Njoroge

Others Present: Peter Cutrumbes and Serena Gonzalez, Assistant Planners

The following represents the actions taken by the Zoning Board of Appeals at the 4/11/2022 meeting. This meeting was held in the City Council chambers. However, due to the COVID-19 pandemic, attendees had the ability to participate via Zoom as permitted by the Governor's 3/10/2020 emergency order to suspend certain provisions of the Open Meeting Law.

Chairman Perrin called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2022-3

Petition Type: Variance

Applicant: 505 Capital Partners, LLC

Property Located at: 38-40 Swift Street 01852

Applicable Zoning Bylaws: Section 5.1 and Section 6.1.10

Petition: 505 Capital Partners, LLC has applied to the Zoning Board of Appeals to subdivide the existing lot at 38-40 Swift Street and construct a new two-family dwelling on the new lot. The property is located in the Traditional Neighborhood Two-Family (TTF) zoning district and requires Variance approval under Section 5.1 for minimum lot area per dwelling unit, minimum frontage, minimum and maximum front yard setbacks, minimum side yard setback, and minimum rear yard setback, under Section 6.1.10 to exceed the maximum allowed curb cut, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D McCarthy motioned to continue to April 25 seconded by V Pech. Approved unanimously 5-0

ZBA-2022-6

Petition Type: **Variance**

Applicant: **Zahi Abuhamdeh**

Property Located at: **697-699 Beacon Street 01850**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Zahi Abuhamdeh has applied to the Zoning Board of Appeals for Variance approval to construct an addition at 697-699 Beacon Street. The property is in the Suburban Multi Family (SMF) zoning district and requires Variance approval under Section 5.1 for relief from the minimum side yard setback requirement and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Zahi Abuhamdeh, applicant

Speaking in Favor:

None

Speaking in Opposition:

Joan Harrison of 685 Beacon Street stated her concerns about an adjacent bus stop and a neighbor's child.

Discussion:

V Pech asked about the number of parking spots. Said that the on-site parking will take cars off the street.

D McCarthy asked why there are no accessible walkways connecting the driveways to the back of the house where the new exit is. Z Abuhamdeh said he did not believe that was necessary.

D McCarthy asked about the dimensions for the greenspace and for the driveway.

D McCarthy asked if there was a landscaping plan.

M Briere mentioned that the street is busy and that the addition of four bedrooms will add to the traffic.

M Briere asked DPD if stacked parking is allowed. DPD confirmed that it is as long as someone from the opposite unit doesn't need to come out to move their car.

G Perrin finds it concerning that the application is still not complete. Z Abuhamdeh said that he has two options: the original parking plan and the new parking plan.

D McCarthy said that other condos worked to accommodate the correct amount of parking. D McCarthy is concerned about the amount of usable open space.

M Briere asked if people will have to move their car in order for other people to get out. Z Abuhamdeh said yes. M Briere asked if that is allowed.

Motion:

V Pech motioned to approve the variance, seconded by D McCarthy. The motion was denied unanimously (5-0).

II. New Business

ZBA-2022-12

Petition Type: **Special Permit**

Applicant: **Centerline Communications LLC**

Property Located at: **84 University Ave 01854**

Applicable Zoning Bylaws: **Section 7.6**

Petition: **Centerline Communications LLC has applied to the Zoning Board of Appeals to install one (1) wireless small cell facility on a new pole in the public right-of-way near 84 University Ave. The installation requires a Special Permit under Section 7.6 of the Lowell Zoning Ordinance and for any other relief required of the Lowell Zoning Ordinance.**

On Behalf:

Edward Pare, Brown Rudnick LLP, applicant's representative

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D McCarthy asked if there will be traffic issues. E Pare said there will be.

Motion:

V Pech motioned to approve the special permit, seconded by G Procope. Approved unanimously (5-0).

ZBA-2022-14

Petition Type: **Special Permit & Variance**

Applicant: **Julio Rodriguez**

Property Located at: **150 Middlesex Street 01852**

Applicable Zoning Bylaws: **Section 6.1 & 12.1**

Petition: **Julio Rodriguez has applied to the Zoning Board of Appeals for Variance approval to renovate an existing church into nine (9) housing units at 150 Middlesex St. The property is located in the**

Downtown Mixed-Use (DMU) zoning district, and requires one variance for off-street parking under Section 6.1, a special permit for use under Section 12.1, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Jim Jozokos Architect

Julio C Rodriguez, Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G Procope asked the applicant to address the concern about the basement units. J Jozokos said that they will dig out the basement in order to have proper emergency egress.

G Procope asked about the Stormwater concerns. J Jozokos said that he is unsure because there are no prior stormwater plans, but they are going to make sure there are no issues.

D McCarthy asked if the applicant is considering solar panels. J Rodriguez said they will look into it.

M Briere believes the repurpose of this building will complement the investments going into the area.

G Perrin believes it is a great use of the building.

Motion:

D McCarthy motioned to approve the variance, seconded by M Briere. Approved unanimously (5-0)

D McCarthy motioned to approve the Special Permit, seconded by M Briere . Approved unanimously (5-0)

ZBA-2022-15

Petition Type: **Variance**

Applicant: **Kimberly Aponte**

Property Located at: **1467 & 1469 Gorham Street 01852**

Applicable Zoning Bylaws: **Section 5.1 & 6.1**

Petition: **Kimberly Aponte has applied to the Zoning Board of Appeals to split the two lots for zoning purposes, and construct a single-family home on the newly created lot. 1467 Gorham St is located in the Traditional Two-Family (TTF) zoning district, and 1469 Gorham St is located in the Traditional Single-Family (TSF) zoning district. 1467 Gorham St requires Variance approval pursuant Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, minimum frontage, and minimum side yard setback requirements, pursuant Section 6.1 for relief from the minimum off-street parking requirements, and any other relief required under the Lowell Zoning Ordinance. 1469 Gorham St requires Variance relief pursuant Section 5.1 for relief from the minimum lot area, minimum lot**

area per dwelling unit, and minimum frontage requirements, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Kimberly Aponte – Applicant

Lisa Robinson – Applicant’s Representative

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D McCarthy motioned to continue to the April 25 ZBA meeting, seconded by G Procope. Passed unanimously (5-0)

III. Other Business

Minutes for Approval:

3/28/2022 meeting minutes

Motion: Motion by D McCarthy to accept the minutes, which was seconded by M Briere. The vote was unanimous (5-0).

IV. Adjournment

Motion to adjourn by D McCarthy . The vote was unanimous (5-0). Meeting adjourned.